

REMARKS

Claims 12-25, 33-36, and 43-45 remain pending in the present application. Claims 12, 14, 33, 35, and 43 have been amended. Basis for the amendments can be found through the specification, drawings and claims as originally filed.

REJECTION UNDER 35 U.S.C. §112, SECOND PARAGRAPH

The Examiner has rejected Claims 12, 13, 33, and 34 under 35 U.S.C. §112, second paragraph, alleging them to be indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

Applicants have amended Claims 12 and 33 to define that the clamping member and cover piece, respectively, function as the housing adjacent the at least one blister pack and chamber, respectively.

Accordingly, Applicants believe this to overcome the Examiner's §112, second paragraph rejection and respectfully request withdrawal of the same.

REJECTION UNDER 35 U.S.C. §103(a)

The Examiner has rejected Claims 14-25, 33-37, and 43-45 under 35 U.S.C. §103(a), alleging them to be unpatentable over Mooty et al. (U.S. Patent No. 6,308,378) in view of DeLuca et al (U.S. Patent No. 6,591,456). The Examiner alleges that this combination would render Applicants' invention obvious to those skilled in the art.

Claim 14 has been amended. Claim 14 further defines the chamber to be formed from a pair of flexible sheets. The gripping portion surrounds the chamber and clamps the chamber and the flexible sheets in the handle adjacent the gripping portion. A fastener mechanism secures the gripping portion in the handle such that the chamber is

disposed relative to the gripping portion. Accordingly, both the gripping portion, which acts as the housing adjacent the chamber, and the chamber are simultaneously gripped during operation of the tool.

The Mooty et al. and DeLuca et al. references fail to disclose or suggest Applicants' invention. Claim 14, with its amendments, has been patterned after allowable Claim 12. Thus, Mooty et al. neither discloses nor suggests the desirability of clamping a member to retain the gripping member with the housing. DeLuca et al. illustrates a cushioning device which is connected with a second portion to form a housing. DeLuca et al. neither discloses nor suggests the clamping as now claimed in Claim 14.

Accordingly, Applicants believe Claim 14 to be patentably distinguishable over the art cited by the Examiner.

Independents Claims 33, 35 and 43 have been amended. These claims have been amended to provide a relative orientation of the elements as in Claim 12. Thus, Applicants believe these claims to be patentably distinct over the art cited by the Examiner.

In light of the above amendments and remarks, Applicants submit that all pending claims are in condition for allowance. Accordingly, Applicants respectfully request the Examiner to pass the case to issue at his earliest possible convenience.

Should the Examiner have any questions regarding the present application, he should not hesitate to contact the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: September 18, 2006

By:


W. R. Duke Taylor
Reg. No. 31,306

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

WRDT/lkj